

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application No.: 10/008,393
Inventor: Kevin B. Tucek
Invention: Hand-Held Laser Light Generator Device
Reissue Application Filed: 11/06/2001
Original Patent Number: 6,013,096
Atty Docket No.: 206-004

NOTIFICATION OF CONCURRENT PROCEEDING
and
DISCLOSURE of ADDITIONAL PRIOR ART

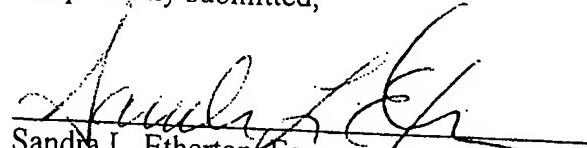
Honorable Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 CFR §1.178, Applicant calls to your attention that a patent infringement claim relating to the above-mentioned patent was filed October 15, 2002 in *Erchonia Medical Inc, et al v. Smith, et al*, Case No. 02-CIV-2036, U.S. District Court, District of Arizona. The case is pending. A motion to stay the District Court proceeding pending the outcome of this reissue proceeding is also pending.

In a motion submitted by the defendant in the above-mentioned District Court case, the defendant alleges that the following prior art is material to the validity of the patent. Applicant disputes that that prior art is material to the validity of the patent, but discloses the prior art pursuant to the duty to disclose under 37 CFR §1.56(b) to avoid the risk of an allegation that there was intent to deceive the Patent Office. Information Disclosure Form PTO/SB/08 and copies of the patents are enclosed.

Respectfully submitted,


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CERTIFICATE OF MAILING
I hereby certify that the correspondence listed below is being deposited with the United States Postal Service as first class mail, postage paid, in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on.

12/23/2002

Sandra L. Etherton, Patent Attorney
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